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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,860	01/18/2001	Jeff J. Farago	47181-00232	1166

7590 12/04/2003

INTELLECTUAL PROPERTY LAW DEPARTMENT
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EXAMINER

LUU, SY D

ART UNIT PAPER NUMBER

2174

DATE MAILED: 12/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/765,860	Applicant(s) FARAGO ET AL.
Examiner Sy D Luu	Art Unit 2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 April 2001 and 18 January 2001.
- 2a) This action is FINAL.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 10-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) Interview Summary (PTO-413) Paper No(s) _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-4, 6, 9-12, and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. ("Alexander", US 6,038,516) in view of Lignoul (US 6,374,145 B1).

As per claims 1 and 6, Alexander teaches a remote metering display for displaying power-related information generated by a power meter linked to the display, the remote metering display comprising: a display screen (fig. 1B; *display screen of element 142*), means for navigating through menu options depicted on the display screen (*abstract and figures 6A-6B*), and wherein the motion sensor senses infrared waves projected from a person's body (col. 5, lines 8-16).

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Alexander does not explicitly disclose the navigating means to be a plurality of user interface buttons. However, Alexander's method provides scrolling operations for navigating through menu options (*abstract*). Official Notice is taken that the use of user interface buttons, such as keyboard navigating buttons or scroll bar buttons, to perform scrolling functions is well known in the art. It would have been obvious to an artisan at the time of the invention to include such buttons for use in conjunction with the scrolling functions of Alexander in order to facilitate user's menu navigation.

Alexander further does not teach a motion sensor for activating the display screen in response to detection of a person's presence within a predetermined distance of the motion sensor. Lignoul teaches a proximity sensor for a user's presence in order to activate and deactivate a screen saver program on a display device (*abstract*, col. 3, lines 12 et seq.). It would have been obvious to an artisan at the time of the invention to combine Lignoul's teaching with Alexander's method in order to prolong the life of the display device as well as saving energy.

As per claim 2, Alexander does not expressly indicate the display screen to be a vacuum florescent display screen. However, Official Notice is taken that the use of such a type of screen is well known in the art. It would have been obvious to an artisan at the time of the invention to use such a type of display screen with Alexander's system depending on implementation preference without compromising functionality.

As per claim 3, Lignoul teaches the display screen to be deactivated in response to no motion being detected by the motion sensor and none of the user interface buttons being pressed for a predefined period of idle time (col. 3, lines 12 et seq.).

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As per claim 4, the method of Alexander and Lignoul does not expressly teaches the predefined period of idle time to be definable in one of the menu options using the user interface buttons. However, Official Notice is taken that such a step of defining the predefined period of idle time through menu options, e.g. screen saver setting in Windows, is well known in the art. It would have been obvious to an artisan at the time of the invention to include such a setting feature with the method of Alexander and Lignoul in order to provide a user with a quick and easy means for defining the predefined period of idle time.

Claims 9-12 are similar in scope to claims 1-4 respectively, and are therefore rejected under similar rationale.

Claims 14-17 are similar in scope to claims 1-4 respectively, and are therefore rejected under similar rationale.

4. Claims 5, 7-8, 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. ("Alexander", US 6,038,516) in view of Lignoul (US 6,374,145 B1) and further in view of Given et al. (US 6,560,711 B1).

As per claims 5 and 7-8, the method of Alexander and Lignoul does not expressly teaches the motion sensor to include a plurality of selectable sensitivity levels for varying the predetermined distance, wherein the motion sensor to include a pyroelectric detector for sensing infrared waves projected from a person's body, and includes a fresnel lens for focalizing the infrared waves to a window area of the pyroelectric detector, wherein the pyroelectric detector generates an analog output signal, and wherein the motion sensor further includes an analog-to-digital converter for receiving and digitizing the analog output signal. These features are what Given teaches in a method which utilizes a motion sensor that senses a user's presence in the

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vicinity (abstract; col. 7, lines 19 et seq.). While Given does not specifically disclose an analog-to-digital converter for receiving and digitizing the analog output signal, however such a component would have been obvious to an artisan to be inclusive with Given's method so that the output signal could be digitized as required.

Claims 13 and 18 are individually similar in scope to claim 5, and are therefore rejected under similar rationale.

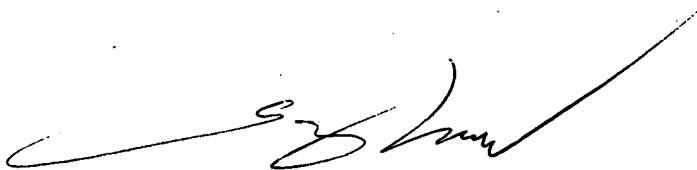
Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is (703) 305-0409. The examiner can normally be reached on Monday - Thursday from 7:00 am to 4:30 pm (EST). The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



SY D. LUU
PRIMARY EXAMINER